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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,581	09/24/2003	Robert W. Stuckel	11677/01402 (DSC-12)	5637
26116	7590	03/24/2006	EXAMINER	
SIDLEY AUSTIN LLP 717 NORTH HARWOOD SUITE 3400 DALLAS, TX 75201			HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,581

Applicant(s)

STUCKEL ET AL.

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-21, 27, 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (3,650,210) in view of Donahue (5,156,384). Archer discloses supplying a plurality of financial cards 10, 16 individually to a cutting station in column 2, lines 16-20; financial card with a first configuration 10, which has a first periphery along the outside edge; second configuration 16 shown in figure 1, which has a second periphery along the outside edge of the upper surface of card 16; credit card in column 2, lines 55-60; hole is inherently punched into card 16. Although the financial card is intrinsically supplied, cut and transported away from the cutting station, Donahue further teaches transporting the cards away via conveyor 20 to delivery station 36. It would have been obvious to provide transporting the cards away to a delivery station in Archer as taught by Donahue in order to stack the cards after cutting. Note that because there is no separation of the first configuration from the second configuration, the limitation "said cut financial cards" is considered to be a broad limitation wherein one of the first configuration, the second configuration, or both configurations are transported away from the cutting station, as is the case in Archer.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Archer and Donahue as applied to claims 22, 30 and 31 above, and further in view of Kline et

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al (2,430,720), hereafter Kline. The combination discloses everything as noted above, but does not disclose a first conveyor that has a plurality of spaced nests. However, Kline teaches first conveyor in figure 2 that has a plurality of spaced nests 26. It would have been obvious to provide a first conveyor that has a plurality of spaced nests in the combination as taught by Kline in order to automate the process of supplying cards to the cutting station.

4. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Archer and Donahue as applied to claims 22, 30 and 31 above, and further in view of Roy et al (5,586,479), hereafter Roy. The combination discloses everything as noted above, but does not disclose a magnetic stripe reader to determine whether the position of the card is proper. However, Roy teaches magnetic stripe reader 58A, 58B to determine whether the position of the card 75 is proper in column 4, lines 30-68.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Archer, Donahue and Kline as applied to claims 23 above, and further in view of Roy. The combination discloses everything as noted above, but does not disclose properly locating the card with a cutting device. However, Roy teaches properly locating the card with a cutting device in column 5, lines 19-42. It would have been obvious to provide a method of properly locating the card with a cutting device in the combination as taught by Roy in order to ensure proper cutting of a skewed card.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Archer and Donahue as applied to claims 22, 30 and 31 above, and further in view of Pentz (D462,965). The combination discloses everything as noted above, but does not disclose a non-conventional configuration of a smaller rectangular shape. However, Pentz teaches non-

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conventional configuration of a smaller rectangular shape in the figures. It would have been obvious to provide a non-conventional configuration of a smaller rectangular shape in Archer as taught by Pentz in order to allow a user to fit the card into rectangular wallet pockets.

Response to Arguments

7. Applicant's arguments with respect to claims 22-26 and 29-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



IH

March 20, 2006



**KENNETH E. PETERSON
PRIMARY EXAMINER**